IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8029 OF 2005

WITH

CIVIL APPLICATION NO.445 OF 2006

Ismail Khan Ahmed Khan Sirguroh ..Petitioner.

Vs.

The Collector & Ors. ..Respondents.

....

Ms.V.S.Jagdale for the Petitioner.

Mrs.M.P.Thakur, AGP for Respondent Nos.1 and 5.

...

CORAM : F.I.REBELLO, J. AND

DR.D.Y.CHANDRACHUD, J.

17th February, 2006.

P.C. :

The relief that has been sought in these proceedings is for a direction to the Respondents to carry out a survey and measurement of land

bearing Survey Nos.136/1A and 136/1B under the Maharashtra Land Revenue Code, 1966. From the averments in the Petition, it appears that the contention of the Petitioner is that the Fourth Respondent has carried out an encroachment on the land belonging to the Petitioner. The Petition raises a disputed question of fact which cannot be decided in a Petition under Article 226. The Petition is therefore dismissed leaving it open to the Petitioner to take recourse to the appropriate remedy available in law.

In view of the disposal of the Petition, the Civil Application does not survive and is accordingly disposed of.

(F.I.REBELLO, J.)

(DR.D.Y.CHANDRACHUD, J.)